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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,839	02/19/2002	James D. Vick JR.	2002-IP-006435	6566
20558	7590	01/21/2004	EXAMINER	
KONNEKER & SMITH P. C. 660 NORTH CENTRAL EXPRESSWAY SUITE 230 PLANO, TX 75074			DOUGHERTY, JENNIFER R	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/078,839

Applicant(s)

VICK, JAMES D.

Examiner

Jennifer R. Dougherty

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 02 September 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-274 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-274 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 5, 8.
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Election/Restrictions***

1. The restriction requirement dated 8/22/03 is withdrawn.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-274 are rejected under 35 U.S.C. 102(b) as being anticipated by Perkins et al. (US 4,981,173).

Perkins et al. teaches all the limitations of claims 11, 21, 37, 52, 96, 106, 145, 152, 165, 178, 204, 217, 230, and 243 including: displacing, translating, and actuating (column 7, lines 49-57), a piston actuator (45), an operating member (54), and a magnetic coupling (72).

With respect to the dependent claims, Perkins et al. also teaches: a magnetic coupling (column 7, lines 49-57; 72)-claims 5, 12-16, 30, 31, 39, 60, 64, 80, 97, 98, 101, 107, 110-118, 146, 153, 164, 166, 177, 179, 190, 203, 216, 229, 231, 242, 244, 255; a flow passage (53)-claims 8-10, 17-19; 83-85, 93-95, 102-104; pressure (column 7, line 49-column 8, line 52)-claims 2-4, 7, 20, 32-36, 38, 40-45, 53-56, 62, 63, 65-75, 82, 87-90, 92, 99, 100, 105, 108, 109, 147-151, 154, 155, 167, 168, 180, 181, 192-194, 205-

207, 218-220, 232, 233, 245, 246, 256-261, 265-270, 274; valve (column 7, line 49-column 8, line 6)-claims 22, 23, 26-29, 46, 47, 49-51, 57, 58, 119-125, 127, 128, 130, 131, 133-138, 141, 144, 156, 157, 160-163, 169, 170, 173-176, 182, 183, 186-189, 195, 196, 199-202, 208, 209, 212-215, 221, 222, 225-228, 234, 235, 238-241, 247, 248, 251-254; packer (61)-claims 24, 25, 48, 59, 126, 129, 132, 140, 158, 159, 171, 172, 184, 185, 197, 198, 210, 211, 223, 224, 236, 237, 249, 250; piston (45)-claims 1, 76-79; flapper (54)-claims 6, 81, 91; motor (25)-claims 86, 262, 271; and displacement (column 7, line 49-column 8, line 52)-claims 263, 264, 272, 273.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Dougherty whose telephone number is (703) 308-6365. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell, can be reached on (703) 308-2151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
DAVID BAGNELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

AM  
Jrd  
January 7, 2004